

## SWORN STATEMENT

For use of this form, see AR 190-45: The proponent agency of the Deputy Chief of Staff for Personnel.

**LOCATION:** Fort Gillem, GA

**DATE:** 14 Aug 08

**TIME:** 151

**FILE NUMBER:** SOCO 0058-08

**LAST NAME, FIRST NAME, MIDDLE NAME:** Mikko, Donald Michael

**LAST FOUR OF SSN:** XXX-XX-XXXXXXXX

**GRADE/STATUS:** YA-03

**ORGANIZATION OR ADDRESS:** U.S. Army Criminal Investigation Laboratory, Fort Gillem, GA 30297

I, Donald M. Mikko want to make the following statement under oath:

This office is investigating various allegations levied against personnel assigned to USACIL regarding a contract process with the National Forensic Science Technology Center (NFSTC).

Q: What do you know about the NFSTC?

A: I really didn't know anything about them. Several years ago I attended an Association of Firearm & Toolmark Examiners meeting, and I saw a representative at a booth. Then I heard of them through Mr. Rick Tontarski, and was told they were the way to go for with training. I then did my own checking. I went down there for a visit. I spent a day with them and met with their staff. This was an official visit in which Rick Tontarski ordered me to attend.

Q: Does USACIL have a long standing relationship with the NFSTC?

A: The only other dealing I know of, eight to ten years ago, the NFSTC sent a team to help us pass the ASCLD inspection. We failed the inspection anyway.

Q: What was your involvement in NFSTC conducting an assessment of USACIL programs of instruction?

A: They came down to the Firearms Branch and met with me and my staff. They told us what they could do with our POIs. They told me that they could put window-dressing on what we already had. Audio and video enhancements to better suit what I had in place. Put standards and objectives in front of training modules. They wanted my OPFOR project I've been working on, that details foreign weapons and ammo. To be honest, I don't think we need anyone from outside doing our training. We've done it for fifty years. We are more than capable. The Army Crime Lab is the leader in the industry.

Q: Do you know the circumstances of how NFSTC came to USACIL to do the training assessment?

A: Tontarski told me later that he coordinated the event with Coffey and NFSTC.

Q: What caused the need for USACIL to evaluate their training?

A: I have no clue. My only take is to justify using NFSTC as a sole source contractor. There's no reason for them to come here.

Q: What was the outcome of the NFSTC assessment of the POIs?

A: They generated a gap analysis report. I replied to them that maybe we could discuss it later. I then told Tontarski I would do training, but I didn't need them to do the POI enhancements.

Q: What was your involvement in preparing the sole source contract for NFSTC to improve USACIL training?

A: We had a meeting with the branch chiefs and Robert Abernathy, Ned Tamburini and Lisa Kreeger. I added the information to my Justification of Authority and sent it to Tamburini. Tontarski later said it was good. Tontarski then added the POI and enhancement capabilities

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along with Tamburini. They cut and pasted that information from the Latent Print JNA.

Q: Did you conduct any market research?

A: That was kind of a weird one. While we were preparing the contract, Tontarski and Tamburini told my folks they would call some folks to see if they could do firearms training. I decided to call some people myself. I called some former Army examiners and some non-Army guys. I called Jim Pex in Oregon, and he told me that Tamburini already called him. But he felt Tamburini didn't want him because Tamburini said that he would have to move here for a year. I then got a call from George Stanley, at the Georgia State Lab, who said he heard we were doing market surveys. I told Stanley I talked to Pex. Stanley is also a good friend of Joe Parker from Questioned Documents. Stanley felt he should have been called too. I called more people. At a later meeting with Abernathy, Tontarski and the branch chiefs, and I told everyone that there were people other than NFSTC that could do firearms training. Tontarski said only NFSTC could do everything that USACIL needed. I made my points and then I stayed out of it.

Q: Were you threatened with your annual appraisal by anyone in regards to this process?

A: No. But, I suspect it was an issue. I have always been a top performer. But, when Tontarski arrives with his so-called managerial skills. He said the branch chiefs would all be rated as 3s.

Q: Why was NFSTC being considered as a sole source to work on USACIL's training?

A: I don't know. I questioned it a hundred times.

Q: Do you know if anyone in USACIL has a personal or financial interest in the NFSTC?

A: Yes. I don't know about financial interests. But, Tontarski's wife works there. And Carl, who he hired here, worked for them. Lothridge is Tontarski's friend.

Q: Do you know of any conspiracy between Mr. Tontarski, Mr. Abernathy or any other USACIL personnel to wrongly award a contract to the NFSTC?

A: I don't know about a conspiracy, but there have been a lot of closed door meetings that have taken place. Some, I have participated in. I don't know anything other than that.

Q: Do you know of any kickbacks that the NFSTC may have provided to anyone in USACIL?

A: No, not that I'm aware of.

**In the anonymous complaint it was alleged that several crime lab chiefs were ordered by Mr. Tontarski to travel down to the NFSTC in order to discuss the NFSTC's capability in performing the specifications that were later going to written into a sole source contract.**

Q: What participation did you have in this?

A: I felt Tontarski ordered me to go to NFSTC. He wanted me to check out their training, meet the people, and see the deployable shelters. Tontarski looked at me as a hurdle he had to get by. I was outspoken that I did not want NFSTC. When I came back, I told Tontarski that I was pleased with their capabilities to perform training in that they would share the responsibility.

Q: Do you know if any under the table deals were made with the NFSTC during the trips in regards to a future and proposed sole source contract?

A: No, not by myself or anyone else.

Q: Was the possibility of a sole source contract with the NFSTC discussed with them at the time?

A: Yes and no. I did not discuss anything with them. But, I knew Tontarski wanted to work with them. NFSTC told me that they could sub-contract the instructors and I could name the firearms instructors.

Q: Do you know if the trip was an effort to determine the NFSTC's capabilities, so that someone

**Initial of person making statement**

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in USACIL could write a contract that only the NFSTC would be eligible for?

A: My purpose was to see what they had to offer and how they would do the training. I do suspect that this was also done to alleviate my concerns pertaining to their capabilities. I didn't realize this until I began discussing the contract with Tontarski, Kreeger, Abernathy, Tamburini and Coffey

Q: Is there anything that you wish to add to this statement?

A: No.//End of Statement//  
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